

April 23, 1965

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be printed in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1810) to amend section 1498 of title 28, United States Code, to define the word "owner," introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter presented by Mr. McCLELLAN is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., January 26, 1965.

The VICE PRESIDENT,
U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: There is attached for your consideration and appropriate reference a draft bill "To amend section 1498 of title 28, United States Code, to define the word 'owner'." A somewhat similar bill was submitted in the 88th Congress and introduced as S. 1655 but received no action.

Subsection (a) of section 1498 of title 28, United States Code, provides for suit against the United States by the owner of a patent used or manufactured by or for the United States without license of the owner. Because of the lack of a statutory definition of the word "owner" as used in section 1498, there has been considerable litigation in the Court of Claims as to the meaning of that term. In comparatively recent decisions that court, which has exclusive jurisdiction of suits under the section, has interpreted "owner" to include licensees who held no legal title interest in the patents alleged to have been infringed. In some of such cases the owners have voluntarily joined the licensees as plaintiffs, while in other cases the court has permitted licensees to maintain suits by including the names of the owners of the patents as joint plaintiffs, without their consent. We are concerned that this will open the door to multiple suits by multiple licensees under the same patent for the same alleged infringement.

Permitting suits by licensees having no legal title interest in a patent is contrary not only to the uniform decisions of the Supreme Court interpreting the language of the section, but also to the intention of the Congress when it enacted the statute. In the congressional proceedings on the original act of June 25, 1910, it was stated that the measure was intended to waive sovereign immunity as to, and provide a remedy for, only the owners of patents, and also that the bill was not intended to permit suits by licensees under the patents (H. Rept. No. 1288, 61st Cong.; 45 CONGRESSIONAL RECORD 8755-8785).

The draft bill would amend subsection (a) of section 1498 to define the word "owner" to mean the person who, at the time of the alleged use or manufacture, held legal title to the whole patent or an undivided part or share of the whole patent throughout the United States, or to the whole patent within, and throughout a specified geographic part of the United States. Also, the amendment would provide that legal title comprises the right to exclude others from making, using, or selling the invention throughout the United States or any specified part of the United States. This amendment adopts the definition given by the Supreme Court in *Waterman v. Mackenzie*, 138 U.S. 252, 255-256; *Crown Co. v. Nye Tool Works*, 261 U.S. 24, 40-41, and other cases cited in those decisions.

The Bureau of the Budget has advised that there is no objection to the submission

of this recommendation from the standpoint of the administration's program.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Acting Attorney General.

ADDITIONAL COSPONSORS OF BILLS

Mr. LONG of Missouri. Mr. President, on April 9, 1965, I introduced a bill (S. 1758), which was cosponsored by several other Senators, to provide for the right of persons to be represented by attorneys in matters before Federal agencies.

I ask unanimous consent that at its next printing the names of the senior Senator from Mississippi [Mr. EASTLAND] and the senior Senator from Nebraska [Mr. HRUSKA] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, on March 18 I introduced again my bill calling for a reinsurance program for private pension funds, in order to prevent the loss to employees which is involved when such an event as the closing of a company or plant occurs. I am pleased that Congressman JOHN BRADEMANS, of Indiana's Third District, whose home is in South Bend, has introduced a parallel bill, H.R. 6944, in the House. I am also pleased that the Senator from Washington [Mr. MAGNUSON] has expressed his desire to associate himself with this bill. Therefore I ask unanimous consent that his name may be added to the bill, S. 1575, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask unanimous consent that at the next printing of S. 1793, a bill to amend the Federal Disaster Act, that the names of the distinguished Senators from Wisconsin [Mr. PROXMIER and Mr. NELSON] be added as cosponsors of that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, on behalf of the senior Senator from Connecticut [Mr. DODD], I ask unanimous consent that at the next printing, the name of the distinguished Senator from Illinois [Mr. DOUGLAS] be added as a cosponsor of S. 1591, a bill to amend the National Firearms Act, and S. 1592, a bill to amend the Federal Firearms Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCARTHY. Mr. President, on Wednesday I joined with Senator MONDALE in introducing S. 1793, a bill to provide assistance for the rehabilitation and reconstruction of areas damaged by floods. We are pleased to have the Senator from North Dakota [Mr. BURDICK] join as a sponsor. I ask unanimous consent that at the next printing of the bill the name of Mr. BURDICK be added as a sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, on behalf of the senior Senator from Connecticut [Mr. DODD], I ask unanimous con-

sent that at the next printing of S. 1483, a bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes, the name of the senior Senator from Connecticut [Mr. DODD] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON TITLES II AND IV OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT

Mr. DOUGLAS. Mr. President, I should like to announce that the Production and Stabilization Subcommittee of the Senate Banking and Currency Committee will begin hearings on titles II and IV of S. 1648, the Public Works and Economic Development Act, on Tuesday, May 4, 1965. This bill has been referred to the Public Works Committee. However, titles II and IV of S. 1648 are similar to provisions of the Area Redevelopment Act, which has been considered on previous occasions by the Banking and Currency Committee; therefore, the chairman of the Public Works Committee has requested that the Banking and Currency Committee informally review these titles and advise the Public Works Committee of the Banking and Currency Committee's views on these titles of S. 1648.

The hearings by the Production and Stabilization Subcommittee will begin at 10 a.m., on Tuesday, May 4, and will continue, if necessary, through May 7.

Persons wishing to testify on titles II and IV should contact Mr. Jonathan Lindley, Senate Banking and Currency Committee, 5300 New Senate Office Building, Washington, D.C., 20510. Telephone: 225-3921.

OIL IMPORTS

Mr. CARLSON. Mr. President, yesterday the distinguished Senator from Louisiana [Mr. LONG] and other Members of the Senate discussed at some length the affect of oil imports and military purchases on our balance of payments.

I regret sincerely that I was unable to be present in the Senate at the time this discussion took place, as I would have liked to have expressed my views on it at that time.

Balance of payments is a problem that we must face realistically.

As we all recognize, this matter is receiving more and more attention as more and more people realize the seriousness of the situation.

As far back as 1959, we were told by President Eisenhower that the United States had been facing continuous deficits in its balance of payments. President Eisenhower told us then that a definite improvement in our balance of payments situation was mandatory in order to insure our economic well-being and military security here at home. He also

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declared that an improvement in our balance of payments situation was necessary in the interest of the economic growth and military strength of the free world. President Kennedy likewise sounded the alarm in 1963, and now President Johnson has urged measures that would help solve this payments deficit.

Mr. President, it would appear that our balance of payments situation is something akin to the weather. We talk an awful lot about, but never are we able to do anything about it. Fortunately, there are measures that can be taken to effectively solve this Nation's payments deficit. Our able colleague, the Senator from Louisiana [Mr. Long], and others, told the Senate of the role that excessive petroleum imports has played over the years in contributing to our payments deficit. I wish to associate myself with Senator Long's recommended solutions pertaining to petroleum imports and military purchases of foreign petroleum. I am particularly concerned over the 35,000 barrels of unneeded light petroleum products brought into the United States each day for the use by the military. I am at a loss to understand how the Department of Defense, in spite of Presidential directives to do otherwise, has seen fit over the years to increase its petroleum purchases abroad. We can hardly ask our business community and our fellow citizens to voluntarily restrain themselves from spending dollars abroad when the Department of Defense completely ignores governmental appeals and Presidential directives to reduce its purchases of foreign goods such as petroleum.

Mr. President, I am hopeful that those charged with military procurement will not take lightly what has been said in this floor discussion of the important matter.

I can state emphatically that this Nation's small independent oil producers are in real trouble. However, I would like to confine my remarks to the economic position of independent producers in my own State of Kansas. Kansas has been a leading petroleum producer for many, many years. In 1956, in the year of the Suez crisis, my State was producing 340,000 barrels of crude oil each day. Last year daily production of crude oil in Kansas had dropped 50,000 barrels per day or 14 percent less than in 1956. This is a reduction of more than \$50 million annually in the dollars flowing into the economy of my State. Instead of these dollars flowing into Kansas, they have gone overseas. While production in Kansas since 1956 has been reduced 14 percent, oil imports into the United States have risen by more than 800,000 barrels per day for an increase of 57 percent. It is small wonder that we are suffering an imbalance in our international payments in view of this fact.

We have had a drop of almost 50 percent in the number of rotary rigs active in 1964 over 1956. The rotary rig is the tool with which oil is found. When you have a drop from 166 active rigs in 1956 to 87 in 1964, it can be easily seen why the proved reserves of crude oil in Kansas have declined every year since 1956.

Today we have 150 million barrels less of proved reserves of crude oil in Kansas than we had in 1956. This, Mr. President, does not only hurt the State of Kansas, but it is a threat to our Nation's security.

Employment in the oil producing industry in Kansas is down 25 percent over what it was in 1956. The price our producers receive for their oil has declined from an average price of \$3.01 per barrel in 1957 to \$2.91 per barrel in 1963, the latest figures available, and I am informed that there have been further price reductions since 1963. Although the price the producer receives for his oil has gone down since 1957, the cost of drilling and equipping his wells rose 10 percent. Add to this the fact that the cost of labor during this period has risen some 15 percent, and one can see why there exists in the State of Kansas a sour economic climate in the oil producing industry.

While a substantial reduction in oil imports and a meaningful drop in the military purchases of foreign oil will not solve all of the economic problems facing the oil producing industry, such actions would go a long way toward encouraging the independent wildcatter to continue his search for new oil reserves in this country. A reduction in imports and military purchases of foreign oil would also help ease our balance-of-payments deficit. I am hopeful that effective action on both can be taken promptly.

SUGGESTIONS FOR THE STRENGTHENING OF PROPOSED PENDING FARM LEGISLATION

Mr. CARLSON. Mr. President, the members of the Kansas Farmers Union at a recent meeting in McPherson, Kans., approved several suggestions for the strengthening of the proposed pending farm legislation.

I ask unanimous consent that the letter from Martin J. Byrne, president of the Kansas Farmers Union, containing these suggestions, be made a part of these remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KANSAS FARMERS UNION,
Topeka, Kans., April 19, 1965.

HON. FRANK CARLSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CARLSON: The members of the Kansas Farmers Union assembled at a statewide meeting at McPherson, Kans., April 19, 1965. The purpose of the meeting was to discuss, in depth, the proposals on farm legislation now before the Congress. The Kansas Farmers Union supports the proposed legislation and urges that it be passed.

We do believe, however, the following provisions should be added to strengthen the bill and improve income for farm families. We respectfully request they be included in the proposed legislation.

1. The program be effective for 5 years instead of 2 years to give farm operators an opportunity to carry out long-range management plans.

2. The full parity provision for domestic consumption on wheat be written into law rather than left to the discretion of the Department of Agriculture.

3. A minimum value of at least 25 cents per bushel placed on the export certificates by legislation and authority be provided the Secretary of Agriculture to declare a higher value.

4. Congressional approval be given the Secretary of Agriculture to move upward the 105 percent of support price plus costs affecting release of Government-stored wheat.

5. A strategic reserve of agricultural commodities sealed from the market be established.

6. The bill prohibit placing whole farms in the cropland adjustment reserve to protect renters of land and especially the younger farm operators and to preclude the disruption of the economic base of farm communities and farm suppliers such as machinery, auto, fertilizer, hardware and petroleum dealers.

7. There is no need or demand for the provision which would permit sale or lease of allotments. This provision, if enacted, could lead to fraud and scandal.

8. Protection and encouragement for the family farm be woven into the language of the legislation.

The Kansas Farmers Union wishes to reiterate its historic position of the goal of full parity for American agriculture. We support this legislation and the recommended additions because we believe their enactment into law will move the income of farm families toward full parity.

We also wish to use this message to express the appreciation of the Kansas Farmers Union for your many efforts through the years to improve the income of farm families.

Respectfully yours,

MARTIN J. BYRNE,
President.

DISPATCH OF TROOPS TO VIETNAM

Mr. CLARK. Mr. President, the morning newspapers carry some rather disturbing columns on the present situation in Vietnam. One by the vitriolic and somewhat pyrotechnic columnist Joseph Alsop refers to the "endless, silly public talk" about negotiations; another by the well-informed and accurate reporters Rowland Evans and Robert Novak contains the disturbing prediction that President Johnson will shortly dispatch up to 100,000 U.S. ground troops to Vietnam starting in the next several weeks.

From where I sit there is nothing silly about the public discussion and the great debate as to the validity of our Vietnam policy. I would hope very much that we would not be sending 100,000 ground troops to Vietnam within the next few weeks.

As an indication of public opinion in my State, I should like to read into the RECORD the following statement: I have received since the first of the year 1,390 individual communications, plus petitions bearing an additional 500 signatures, protesting the continuation of the war in Vietnam, and expressing support for negotiations and opposition to acceleration of the war.

During that period, I have received only 16 communications advocating a continuation of the war. I have had 82 communications protesting the use of gas, and 11 supporting the use of gas.

Certainly, so far as my mail is any indication, the people of Pennsylvania support every effort to enter into meaningful negotiations in Vietnam. There is every indication that they support the President in his efforts to bring the war

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is by definition clandestine, but here are a couple that are available. In 1962, a House committee reported that at least 5,000 phones in Federal offices in Washington were bugged—not by Russians, but by American bureaucrats spying on each other. Not long ago, an official of the San Francisco Telephone Co. estimated that 10,000 firms in northern California alone monitor the calls of their executive employees without the executives' knowledge.

Here is a partial list of other everyday uses of bugs of one type or another:

Federal security agents have microphones installed in certain rooms in popular hotels in many major cities. When guests under surveillance are expected to register, the management is notified and the guests are assigned the bugged rooms.

Agents of the Food and Drug Administration carry concealed tape recorders on routine inspections, to record possible bribe attempts. So do food and building inspectors in some large cities. So do police "shooftys"—the special squads maintained in some cities to police the police themselves.

Local investigators almost everywhere use illegal phone taps to tape evidence against bookies, panderers, and the occasional dope pushers who do business by telephone. The evidence cannot be used in most courts, but it does provide useful leads to evidence that may be admissible.

Difficult as it is to sympathize too deeply with suspected spies and known criminals, the fact remains that what can be done to them can be done to the rest of us. Thus, the use of bugs and wiretaps has spread into other areas:

Classrooms in many school systems are bugged so that principals can flick a switch and listen to class discussions without the knowledge of teachers and pupils. Going the educators one better, students have, on many occasions, used hidden recorders to "get the goods" on teachers suspected of liberal political views and other heresies.

Business firms regularly bug the offices of key rivals to learn trade secrets or get inside knowledge about sales and other strategies.

Corporations, as we've seen, monitor executives' phone calls. Others have bugs to monitor conversations at spots where employees congregate such as time clocks, locker rooms, cafeterias and washrooms. One large company recently was faced with a strike because it has installed a hidden TV camera in the men's washroom. Another installed bugs in the toilet paper containers in the ladies' john.

Politicians, each election season, tap phones and bug campaign headquarters to learn rivals' plans and strategies.

Individuals involved in civil suits bug each others' premises to gather useful information and evidence. The prime area for this is divorce actions, particularly in States with restrictive codes. So little is sacred in this line of endeavor that bugs routinely are discovered under the beds of estranged husbands and wives who suspect each other of errant ways. The latest twist in this game is the installation of tiny radio transmitters in cars that relay to prying ears and tape recorders any conversations or other sounds produced by drivers and passengers.

Thoughtful connoisseurs of electronic prying attribute its spread to several factors. One is the cold war fears that have given us a McCarthy and a Goldwater in a single decade and have produced such national phenomena as the John Birchers.

Perhaps the greatest single boost to prying technology is space research, which makes fantastic budgets available for the development of miniaturized sensors and transmitters used to monitor men and modules orbiting at vast distances from the earth. Among the results of this research are powerful transmitters so small they can be em-

bedded in sugar lumps for placement at your favorite restaurant. Women can carry potent transmitters in a cigarette case or lipstick tube. Men use chapstick holders.

There are devices so thin that a transmitter, plus microphone and antenna wire fit between a framed print and its paper backing, leaving a budge no greater than that caused by normal warpage and wrinkling of the backing. Microphone-and-transmitter combinations fit inside fountain pens. They also fit into quarter-inch-thick pads of sponge rubber. These may be slid under doors or placed under rugs and carpets in small squares cut out of their normal padding. Ingenious as all this is, it is rapidly becoming obsolete. There are directional mikes now available that are so sensitive that elaborate placement techniques are unnecessary. They can pick up conversational tones from distances up to 500 feet.

Curiously, no one knows whether the uses to which all this prying gimmickry are put is legal or not. The fourth amendment assures us of "the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures," and the fifth amendment guarantees that no person will be deprived of liberty without due process of law. These certainly would seem to assure us of the right not to be bugged, but the Supreme Court has been very slow to consider electronic prying as unreasonable search.

This has led to rather moonstruck incidents. In one of the very few arrests Federal officers have ever made on private complaint for eavesdropping (in a recent Washington, D.C., case of industrial spying), the culprits had planted a tiny transmitter in a hotel room. When apprehended, they were charged by the Justice Department not with trespass or violation of privacy, but with broadcasting without a license.

It's doubtful how much good would be done even if our Federal laws did take on better definition in the area. For example, if Congress got interested, the most it could do would be to ban the shipment and sale of bugging devices in interstate commerce. Even if such laws ever did come into existence, circumvention would be laughably easy. Manufacture and sell within the same State and you're home free. If you do ship out of State, be sure you ship only to police organizations and such other exceptions as the law is sure to provide for. Suppression of the devices in these circumstances is about as promising as hunting butterflies with a harpoon.

The States doubtless could provide much more effective control, but so far New York is the only State with a statute making the use of bugging devices a felony. Pressures on our notoriously susceptible State legislatures by manufacturers and distributors of the bugs, as well as by satisfied users, doubtless will prevent the enactment of statutes similar to New York's by many other States—unless there is coherent and persistent action by their citizens. This is an action I would support. In a time and place where anyone with a few hundred dollars and a reason can appoint himself big brother, the little brothers have very few options. They can either learn to act together in the interests of preserving their rights—or they can learn to keep their thoughts pure on an individual basis.

Mr. LONG of Missouri. Mr. President, no less a publication than the Wall Street Journal published in its edition of April 22, 1965, at page 10, an advertisement for sophisticated "bugging gear." I have eliminated the manufacturer's name and address, but I ask unanimous consent that the bulk of the advertisement be printed at this point in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

World's first fully voice-activated automatic security recording system completely self-contained in an attractive security-proof standard-looking attaché case and it can also record perfectly controlled inconspicuously by remote control from the outside with case open or closed and can be operated from a distance of 200 feet away when used with wireless FM transmitter and FM receiver.

A highly versatile unit which is a complete package and includes (separate list prices shown):

1. Specially modified 330 high-fidelity AC-DC multipurpose tape recorder: \$199.
2. High impact attaché case with best quality interior housing of polyfoam insulation for safety and silent security. It contains precision built-in concealed subminiature ultrasensitive microphone and subminiature microswitch: \$115.
3. Uni-Con telephone pick-up adapter which starts recorder when phone call is started and stops when receiver is returned to phone—completely automatically in your absence: \$69.50.
4. AC adapter: \$18.95.
5. Special tape for 6 hours of recording: \$4.75.
6. Foot control (another excellent way of recording control): \$18.95.
7. Complete set of batteries: \$1.50. You save almost \$80 by purchasing this entire package at the low price of \$349 (add \$2.25 postage, handling, and insurance). You may of course purchase and use one or more of these devices at the list price above. Total cost at list price is \$427.65 (our package is a low \$349 for the same devices (add \$1.25 postage and handling per separate item).

The "440" security sound system is the cumulative result of years of research into recording important matters inconspicuously and, if need be, without the distraction of obviously fumbling around with switches while recording and by remote wireless control.

OPTIONAL ACCESSORIES

Wireless ".007" FM transmitter (which you carry around in your shirt pocket) with built-in pinhead microphone: \$49.50.

AM-FM receiver, used for remote recording: \$39.50.

Tie clasp or cuff link microphone (inconspicuous): \$24.95.

Fountain pen microphone (who will know?): \$24.95.

And new, the keyhole extension microphone—many will find this an indispensable accessory. Unique device is an extended flexible tube just three-sixteenths inch in diameter—fits about any keyhole. One end of the extension mike fits neatly and simply into the FM transmitter-FM receiver setup which connects to the "Continental 440"; other end contains the smallest and most easily concealed microphone you have ever seen—just three-sixteenths inch by five thirty-seconds inch in size—and you can poke it through the door, crack, over the wall, under the rug and even unroll it like a fishing line out the window down to the next story. Its uses are many as you can well imagine: \$119.50 (add 85 cents postage and handling).

Ten-day money back guarantee if not represented as advertised. Up to now the "Continental 440" security recording package was made expressly for, and available only, to registered private investigators. All sales final.

Mr. LONG of Missouri. Mr. President, the ad and its placement in the Wall Street Journal almost speak for themselves. The availability and relative inexpensiveness of this gear illustrates very vividly that "big brother" is already here.

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to a close with honor to us, and it is equally plain that they are strong in their opposition to the very belligerent position which has been taken by Mr. Joseph Alsop, Mr. William S. White, Miss Marguerite Higgins, and various other columnists, the validity of whose judgment I question.

Mr. JAVITS. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield to the Senator from New York.

Mr. JAVITS. I should like to ask the Senator from Pennsylvania a question. I have been urging that if the President is going to make the move that he says he contemplates, he ought to ask Congress for a joint resolution which would follow and supplement the joint resolution of August 10, 1964, and thus provide Congress and the country with an opportunity to give this subject the consideration it deserves. The President as Commander in Chief could take the action that is said to be under consideration, but I have urged that he should not do so without coming to Congress again. I wonder whether the Senator from Pennsylvania, who, I believe, feels much as I do about this matter, has done any thinking about that question.

Mr. CLARK. I would hope very much that the suggestion of the Senator from New York would be taken, although I agree with the Senator that legally there is no need to do so.

Mr. JAVITS. I thank the Senator from Pennsylvania.

INVASIONS OF PRIVACY

Mr. LONG of Missouri. Mr. President, our hearings on invasions of privacy have turned up a number of interesting items.

One of these is an excellent recent statement over the ABC radio network by the distinguished commentator, Mr. Edward P. Morgan. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EDWARD P. MORGAN AND THE NEWS

(Sponsored by the AFL-CIO, American Broadcasting Co. radio network, Apr. 15, 1965)

Even in an open society like ours, the big brother of bureaucracy can rear his head with ugly arrogance unless he, too, is watched. The Federal Government has been caught invading the public's privacy a little too aggressively of late and it is time to list a bill of particulars and raise a loud cry of rightful indignation. The bureaucracy is not only watching us, sometimes through peepholes, it turns out, but listening in increasingly on our conversations, probing the sexual history of stenographers and other citizens applying for Federal jobs, telling people where they cannot travel and even, in some instances, seizing and reading their first-class mail.

Day before yesterday it was revealed that the State Department had refused permission to editors of 13 college and university newspapers to send student journalists on Easter vacation assignments to report on life in Cuba.

In their written request, campus editors from Yale, Harvard, Princeton, and other prominent schools had said: "A knowledge

of the conditions within Cuba is prerequisite to our forming intelligent opinions as to our relations with that country. As student editors in a free and democratic society, we consider the freedom to travel a necessary condition for the freedom to learn."

Their request was rejected by the Department's Administrator of Security and Consular Affairs, Abba P. Schwartz, on the questionable technicality that they were not legitimate newspapermen and implying that anyway their presence would somehow impede U.S. efforts to isolate Castro's dictatorship from the rest of the hemisphere.

To which the New York Times today angrily replies:

"The right to know and the right to travel—except in wartime—ought to be sacred. Americans should be swarming over the island with magnifying glasses. The American public in general has a right to know what is going on in Cuba; and so, obviously, does every segment of our society, including the residents of college campuses and the readers of college newspapers."

In a recent report by the House Committee on Government Operations critical of the use of lie detectors by the Federal Government, Representative CORNELIUS E. GALLAGHER, Democrat, of New Jersey, termed compulsory polygraph tests "unconstitutional," said they should be discontinued immediately until proved "infallible." Recalling his own testimony that a 17-year-old girl, just out of high school, had been subjected to humiliating questions about sexual matters when she applied for a typist's job with the National Security Agency, GALLAGHER charged that "the threat of outright voyeurism runs throughout too many of the cases that have come to my attention regarding the use of the lie detector."

A Senate judiciary subcommittee, headed by Missouri's Democratic Senator EDWARD V. LONG, investigating Federal invasion of privacy, questioned the use of mail covers—a process of checking on, without opening, the mail received by a person under suspicion of some criminal violation. The subcommittee was also concerned about a Post Office Department practice of spying on employees through peepholes. Last month, Chairman LONG said Postmaster General Gronouski had agreed to improve controls over mail cover procedure and plug up the peepholes which had been used to prevent depredation of the mails by postal workers.

But on April 5, still another practice came to light. Congressman DURWARD G. HALL, Republican, of Missouri, revealed on the floor of the House that the Internal Revenue Service was opening the first-class mail of delinquent taxpayers. He charged a collusion involving the Treasury, the Post Office Department, and the Director of Internal Revenue had resulted in 14 such levies since 1962. Today HALL's office said the Post Office now admits 34 cases are involved. One person—a "tax deviate" might by the bureaucratic term for him—allegedly had all his mail withheld for a month. Revenue Commissioner Sheldon Cotten wrote HALL citing one case in which a delinquent had been persuaded by seizure of his mail to pay up his tax liability in full.

The Government argues this practice is legal. But several Members of Congress, Missouri's HALL foremost among them, maintain it is an outrageous violation of privacy, comprising, in effect, unwarranted search and seizure and demand new legislation specifically outlawing the practice.

On Tuesday a somewhat contrite Government lawyer, Deputy General Counsel Harvey H. Hannah, of the Post Office, told Senator LONG's committee, "we've been doing it wrong, no question about it."

Manifestly, the Government has been doing a lot of things wrong in respect to the private rights of citizens. Human beings, unhappily perhaps, are not always saints but

if somebody isn't constantly watching the Government agencies watching their foibles, there can be the devil to pay.

This is Edward P. Morgan saying good night from Washington.

Mr. LONG of Missouri. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Is Big Brother Taping You?" written by Arthur Whitman and published in the February issue of the magazine Tape Recording.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS BIG BROTHER TAPING YOU?

(By Arthur Whitman)

Last September, a car pulled up beside a 36-year-old West German diplomat named Horst Schwirkmann on a quiet street in the outskirts of Bonn. The rear window opened, and a mass of oily liquid flew out, splattering over Schwirkmann's face and body. He screamed in agony. The car roared off. The substance thrown at Schwirkmann was mustard gas, the viscous killer developed for trench warfare in the First World War.

Rushed to a hospital, Schwirkmann survived. However, his lungs are so severely damaged and his torso and legs so badly burned that it seems unlikely he will ever work again. Thus the attack served its purpose—to remove Schwirkmann from the international eavesdropping war.

An electronics wizard, Schwirkmann's special job in the diplomatic service was to clear German embassies of "bugs," or electronic eavesdropping devices. On his last periodic visit to the Russian Embassy, he had installed an ingenious device of his own design that administered a severe electric shock to anyone who tried to tap an embassy phone. Nothing will ever be proved, but there is no question that the mustard-gas attack on him was a direct retaliation for installing the shock device.

News of the incident was particularly upsetting to me. As the victim of an eavesdropping outrage myself, Schwirkmann whose job was to prevent such things, was one of the best friends I ever had. Engaged in a project in behalf of one publisher, I was approached by another to do a similar job. For reasons only the good Lord knows, this second man recorded his conversation with me, without my knowledge. When I refused him on the grounds of my prior commitment, he edited the tape, leaving in some ill-considered remarks I had made, but leaving out the substance of our talk—his offer and my refusal. I lost the commission and the substantial sum of money that went with it.

I regret my loss, but I regret even more that I was the only participant in this reechy affair who seemed to find anything unusual, let alone outrageous, in it. With my radar now out on the subject, I've discovered that no one else seems to think twice about electronic prying, either. It has become so much a part of the landscape that when "bugs" were discovered embedded in the walls of the American Embassy in Warsaw in November 1964, it hardly caused any stir in the press. On the earlier discovery that our Moscow Embassy had been bugged for at least 11 years, there was some press outcry, but no one in the know was even half horrified. A State Department man, filling friends in on the incident, commented that it was "as surprising as the sun rising in the East."

When you consider how deeply the practice has penetrated our daily life, the official's comment is hardly shocking. Eavesdropping has apparently become as much a part of the American way as apple pie and mother, though it is hardly as savory as the one or as beneficent as the other. Numbers are difficult to establish in an enterprise that